

REMARKS

The Examiner has now rejected main claims 21 and 29 as being obvious based on Adams in view of Hamlin and a new reference ("the PBS article"). The applicant respectfully traverses this rejection.

The Examiner concedes that neither Adams nor Hamlin, nor the combination of Adams and Hamlin, teach a system wherein the input corresponds to a single user-selected channel; or wherein the communications interface is one of a plurality of communications interfaces; or outputting the single user-selected channel to one of the plurality of communications interfaces. The Examiner has thus cited the PBS article as purportedly teaching these features.

The PBS Article is not citable prior art.

Preliminarily, the applicant respectfully submits that the PBS article is not even citable as prior art. First, it does not provide an enabling disclosure of anything. There is not sufficient detail in the article for a person of ordinary skill in the art to determine how to build a system in which the input corresponds to a single user-selected channel; or wherein the communications interface is one of a plurality of communications interfaces; or outputting the single user-selected channel to one of the plurality of communications interfaces. It is merely a statement of an intention totally lacking any meaningful description of how such a system could actually work, let alone how it would be constructed. As such, it does not constitute prior art. Second, the article purports to describe something that was going to happen in the future, which may or may not have actually happened – it in no way indicates that such a system was ever in operation, and certainly does not suggest that such a system actually existed prior to the effective filing date of the present application.

The PBS Article does not in any case teach the features on which the Examiner relies.

Apart from its inability to function as prior art, the PBS article does not teach the features asserted by the Examiner. The Examiner asserts that the PBS article teaches a system in which the input corresponds to single user-selected channel, the communications interface is one of a plurality of communications interfaces, and outputting a signal containing the single user-selected channel to the one of the plurality of communications interfaces. The applicant denies that the PBS article actually "teaches" anything within the meaning of the term as used for prior art purposes, but applicant submits that in any case this is not what the article speaks to.

The Examiner cites paragraphs 1 and 3 of the PBS article as teaching a system in which the input corresponds to a single user-selected channel. Paragraph 1 does not make reference to such a feature. Paragraph 3 simply indicates PBS' intention to "...deliver programs direct to individual personal computers, allowing workers to watch programs from their desks." This does not suggest that it is a **user-selected** channel that the users are watching; to the contrary, paragraph 6 states that this is a **scheduled multi-cast**. There is nothing in the PBS article which suggests that the signal sent in response to the **user's** request, the user is merely one of many users viewing a multicast distributed at *someone's* request (for example the employer), and *at a pre-scheduled time*. All this software would do (assuming it ever actually existed) is route a scheduled broadcast from "down the hall or across the corporate campus" (PBS article, paragraph 6) to the various viewers' desktop computers, using multicast technology (PBS article, paragraph 2). This has nothing to do with the applicant's system, which is user-controlled unicast system.

Adams also does not teach the features on which the Examiner relies.

While the applicant would agree that Adams' hybrid copper/optical fibre network constitutes "conductors," and even for purposes of argument construing Adams' media servers as the "server" recited in the claim, Adams does not teach a processor for processing the signals for switching, as asserted by the Examiner. His media servers output an unprocessed digital signal to the QAM array.

However, more important, ***Adams does not teaches a switching device for routing the channel selection in the form of an Internet protocol***, as asserted by the Examiner. The passage cited by the Examiner from Adams, column 8 lines 7 to 12, states: Connection management agents 74 in media servers 72 send or receive *control information or messages* in the form of IP datagrams through digital switch 17 and interactive control gateway 19." **The digital switch 17 is used only for control signals**; it merely controls commands from the communications interfaces and switches the appropriate media server to select the chosen movie. **Video is not routed through the digital switch 17** – it is streamed into QAM modulator array, which allocates a frequency and tunes the user's bay switches to the allocated channel (i.e. 6 Mhz frequency band). This is **analog** streaming. That is why Adams needs to use a hybrid fibre network: every user's media signal takes up a separate 6 Mhz band. This is in fact a frequency division multiplexing (FDM) system, with streaming in the analog domain.

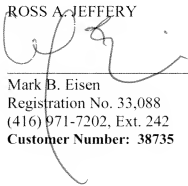
The Examiner will note for example that Adams' Figure 3 shows the NTSC decoder and QAM demodulator and tuners at the user's end, which is where the so-called "switching" occurs, just like a television is "switched" to a particular channel by changing the tuner to that channel.

There is no switch for video at the streaming end. Adams' digital switch 17 merely receives the user request and commands a media server to stream out the selected video through a bank of QAM modulators (see Figure 4). In fact, Adams expressly teaches "**All media assets provided by the media servers go through modulator array 70 to the subscriber terminals 6. The media assets do not go through digital switch 17...**" (col. 8, lines 12 to 14). This is a conventional FDM streaming system. With respect, Adams does not teach routing the channel selection in an IP protocol in his system as asserted.

The applicant accordingly submits that the claims on file patentably distinguish the invention over the prior art. Favourable reconsideration and allowance of this application are therefore respectfully requested.

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